IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 8575 of 2004

Between:
Toddy Tappers Cooperative Society, Nizampet Village,
Narayankhed Mandal,
Medak District rep. by its President, A. Ella Goud.
..... PETITIONER

AND
1 Govt., of A.P., Revenue (Ex. II) Dept.,
rep. by its Deputy Secretary, Secretariat, Hyderabad.
2 Commissioner of Prohibition and Excise, Andhra Pradesh,
Hyderabad.
3 The Deputy Commissioner of Prohibition & Excise,
Nizamabad Division at Nizamabad.
4 The Superintendent of Prohibition & Excise, Medak Dist, at
Sangareddy.
5 K. Mallaiah, S/o. Durgaiah
Nizampet Village, Narayanked Mandal, Medak Dist.
6 P. Shankaraiah S/o. Lakshmaiah
Nizampet Village, Narayanked Mandal, Medak Dist.
7 P. Sailu S/o. Sangaiah
Nizampet Village, Narayanked Mandal, Medak Dist.
8 P. Bhoomaiah S/o. Papaiah
Nizampet Village, Narayanked Mandal, Medak Dist.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring and setting aside the Memo No.50547/Ex. II(1)/03-2 Dt. 9.03.2004 issued by the 1st respondent as being illegal, arbitrary and violative of principles of natural justice.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

For the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following ORDER:

This writ petition is filed by the petitioner-Cooperative Society aggrieved by the proceedings of the first respondent – Government dated 09.03.2004, under which the first respondent rejected the request of the petitioner for staying the TFT licence granted to the respondents 5 to 8 by the proceedings of the Commissioner of Prohibition & Excise, dated 26.04.2001.

2. According to the petitioner-society, respondents 5 to 8 are not tappers and in fact according to it they failed to pass the tapping test that was conducted in the year 1998. Therefore, their claim was rejected. But, however, respondents 5 to 8 approached the Government, and thereafter the Government again directed the third respondent to conduct the tapping test. It is only on that, the respondents 5 to 8 were granted TFT licence. It is the claim of the petitioner that the said granting of licence is again assailed before the Government. The Government has initially stayed the licence granted in favour of the respondents 5 to 8, however, subsequently, vacated the said stay under the impugned order.

3. The learned counsel for the petitioner also contended that by virtue of the TFT licence granted in favour of the respondents 5 to 8, which is within the area of operation of the petitioner, the petitioner right is being affected. Therefore, sought to quash the proceedings of the first respondent dated 09.03.2004 and also the TFT licence granted to the respondents 5 to 8.

4. The learned counsel appearing for the respondents 5 to 8 supported the order. It is contended that the official respondents after conducting tapping test, granted TFT licence to the unofficial respondents. The society, which is already having a licence for

operating in its area of operation, could not be affected by the TFT licence granted to the respondents 5 to 8. Therefore, the petitioner-society has no right to question the grant of TFT licence to the respondents 5 to 8.

5. Heard the learned counsel for the petitioner and the learned Government Pleader as well as the counsel contesting the respondents 5 to 8.

6. As the respondents 5 to 8 were granted TFT licence after verification of their eligibility and if such TFT licences were granted to them to ekeout out their livelihood, the cooperative society which has got a licence to carry on its business, has no right to question the grant of TFT licence to the individuals such as respondents 5 to 8.

7. No case is made out showing that how the rights and business of the petitioner-society are affected by the grant of licence in favour of respondents 5 to 8. In the absence of any such material, the petitioner-society has no right to assail the grant of TFT licence in favour of the respondents 5 to 8.

8. Under the above circumstances, the writ petition is dismissed as devoid of merits. No costs.

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21.06.2004
va

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Deputy Secretary , Revenue (Ex. II) Dept., Govt., of A.P., Secretariat, Hyderabad.

2 The Commissioner of Prohibition and Excise, Andhra Pradesh, Hyderabad.

3 The Deputy Commissioner of Prohibition & Excise, Nizamabad Division at Nizamabad.

4 The Superintendent of Prohibition & Excise, Medak Dist, at Sangareddy.

5 Two CCs to G.P. for Prohibition & Excise, High Court Buildings, Hyderabad (OUT)

6 Two CD copies